HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5114/2007

PETITIONER Maksudan Chaturvedi,
S/o Late Kushal Prasad Chaturvedi,
Age 59 years,
Occupation -Service, Presently posted as L.D.T., in Govt. Hr. Sec. School Kharsiya, District Raigarh (C.G.)

Versus

RESPONDENTS
1. State of Chhattisgarh,
Through Secretary,
Tribal Development Department,
Mantralay , D.K.S. Bhavan,
Shastri Chauk Raipur (C.G.)
2. Collector,
Tribal Development Branch,
Raigarh, District Raigarh (C.G.)

Writ Petition Under Article 226 of the Constitution of India.

Appearance:
Shri Rajkumar Gupta, counsel for the petitioner.
Shri M.P.S. Bhatia, Panel Lawyer for the State.

ORAL ORDER
(07.09.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

The petitioner, who is working on the post of Assistant Grade – III in Government Higher Secondary School, Kharsiya has been transferred from the said place to High School, Boro, Block – Dharamjaigarh on administrative grounds (Annexures P/1 & P/2).

Referring to para 5 D of the Writ Petition, learned counsel for the petitioner argues that the date of birth of the petitioner is 20.11.1948 and he is to retire on 30.11.2008. His submission is that looking to the Clause 7 of the Transfer Policy dated 13th June 2007, the cases of the persons who are to retire within the stipulated period of 1 year are to be governed by the said clause. He also submits that few months are exceeding from one year in case of the petitioner, but looking to the last stage of service, he should not be transferred from the said place.

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I have gone through the contents of the petition and have also gone through Clause 7 of the transfer policy.

Having heard learned counsel for the petitioner, having gone through the contents of writ petition and the contents of Clause 7 of the transfer policy, though few months are exceeding from one year, in the opinion of this Court, the ends of justice would be served, if the petitioner is directed to file a representation before the concerned authority and the concerned authority is directed to dispose of the same within the stipulated period granted by this Court, keeping in mind that only few months are exceeding from the time frame made in the Policy.

Accordingly, the petition is disposed of with a direction that if so advised, the petitioner may file a detailed representation before the concerned authority within a period of 3 weeks from today alongwith copy of this order and a copy of writ petition, raising his grievance and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of 2 months from the date of receipt of the said representation, keeping in mind the provisions of Clause 7 of the said Policy, and very little time coming over the period stipulated in the Policy.

It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting i.e. Kharsiya and shall be allowed to continue there.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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